

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN G. PEDICINI,

Plaintiff,

-vs-

UNITED STATES OF AMERICA
ET AL.,

Defendants.

FILED
IN CLERKS OFFICE
2007 AUG -2 P 12:38
U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION NO. 04-12395-JLT

PLAINTIFF'S AMENDED RULE 26(a)(3) DISCLOSURES

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Plaintiff, John G. Pedicini, provides the following amended Rule 26(a)(3) pretrial disclosures.

(A) the name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises:

Plaintiff expects to present testimony from the following individuals:

(1) Juanita Makuta (factual)
USDA-FNS
3101 Park Center Drive
Alexandria, VA 22302-1500
(202) 690-0271

(2) Sadhna True (factual)
USDA
1400 Independence Ave., SW
Washington, D.C. 20250
(202) 720-5212

(3) Michael Watts (factual)
USDA
1400 Independence Ave., SW
Washington, D.C. 20250
(202) 720-5212

(4) Angela McElmurray Speshock (factual)
5401 N. 36th Street
Arlington, VA 22207-1388
(703) 533-0383

(5) Brookside Spears (factual)
30 Oxford Street
Haverhill, MA 01830
(617) 565-6490

(6) Lisha Dorman (factual)
USDA-FNS
3101 Park Center Drive
Alexandria, VA 22302-1500
(703) 305-2754

(7) Jada Johnson (factual)
FNS-USDA
3101 Park Center Drive
Alexandria, VA 22302-1500
(703) 305-2094

(8) Martin Hines (factual)
FNS-USDA
10 Causeway Street, Rm. #501
Boston, MA 02222
(617) 565-6454

(9) Lori Lodato (factual)
161 R. Lake Street
Wilmington, MA 01887
(617) 565-6483

(10) Luis Perez (factual)
FNS-NERO
10 Causeway Street, Rm. #501
Boston, MA 02222
(617) 565-6392

Plaintiff may call the following witnesses if the need arises:

(1) Douglas MacAllister (factual)
601 Haverhill Street
Reading, MA 01867
(781) 942-0161

(2) Robert Canavan (factual)
FNS-USDA
10 Causeway Street, Rm. #501
Boston, MA 02222
(617) 565-7110

(3) John G. Pedicini (factual)
10 Milano Drive
Saugus, MA 01906
(781) 233-5274

(4) Diane Harrington (factual)
FNS-NERO
10 Causeway Street, Rm. #501
Boston, MA 02222
(617) 565-6370

(5) Any witness identified by Defendants in Defendants' pretrial disclosures: and

(6) Any witness that may be necessary to impeach or rebut Defendants' case-in-chief.

(B) The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony:

Frances E. Zorn and Michael Malone are no longer employed by the USDA and live more than 100 miles from the place of the trial. Pursuant to Rule 32(a)(3)(B) of the Federal Rules of Civil Procedure, Plaintiff will present the Deposition of Frances E. Zorn, dated June 6, 2005, pp. 1-2, 61-80, 97-99, 141-142, 191-192, 199-206 and the deposition of Michael Malone, dated July 8, 2005, pp. 9-30, 50-59, 119-125, 139-141, 176-177, 187-188.

Due to the fact that there are medical issues with John Ghiorzi, Plaintiff was removed him from the live witness list and will present testimony from his deposition, dated June 23, 2005, pp. 35-47.

Due to the medical issue involving Mr. Lash's wife, cited above, Plaintiff moves to withdraw him as a witness and add his deposition from August 2, 2005.

Jonathan Lash is no longer employed by the USDA and lives more than 100 miles from the place of the trial. Pursuant to Rule 32(a)(3)(B) of the Federal Rules of Civil Procedure, Plaintiff will present the Deposition of Jonathan Lash, dated August 2, 2005, pp. 1, 9, 15-16, 19, 23-30, 34-35, 38-39, 44, 55-57.

Plaintiff reserves the right to supplement the page numbers of these Depositions at trial.

Plaintiff reserves all rights under Rule 32 of the Federal Rules of Civil Procedure to make additions to this list of names of witnesses whose testimony may be presented by deposition.

(C) an appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises:

Documents or other exhibits the Plaintiff expects to offer at trial:

<u>Exhibit #</u>	<u>Item</u>
1.	Performance Appraisals and Plans for calendar years 2001 To 2005, (Bates-Stamped P-3385, US0170 to US0175, US0077, P-3363 to P-3370, P-3329 to P-3332).
2.	FNS Handbook 101, also known as FNS Administrative Accounting Handbook 101, (Plaintiff's Deposition Exhibit 77), (Bates-Stamped P-3162 to P-3311).
3.	Funds Officer Listing, dated 1/26/1999, (Plaintiff's Deposition Exhibit 10), (Bates-Stamped P-1170 to P-1171).
4.	Funds Officer Listing, dated 12/22/2004, (Plaintiff's Deposition Exhibit 12), (Bates-Stamped P-1889).
5.	Email chain from Jonathan Lash to Marty Hines, dated 12/15/2004 to 12/16/2004, (Plaintiff's Deposition Exhibit 70), (Bates-Stamped P-1376).

6. Funds Officer Listing, dated 2/17/2005, (Plaintiff's Deposition Exhibit 14), (Bates-Stamped P-1216).
7. Designation as FCO Backup, FNS Computer System Access Request, dated 9/20/2001, (Plaintiff's Deposition Exhibit 84), (Bates-Stamped P-2315 to P-2316).
8. FNS Computer System Access Request, dated 3/12/02, (Plaintiff's Deposition Exhibit 91), (Bates-Stamped P-3142).
9. FNS Computer System Access Request, dated 2/24/04, (Bates-Stamped P-3415).
10. FNS Handbook 701, FNS Information Systems Security Policy Handbook, (Plaintiff's Deposition Exhibit 85), (Bates-Stamped P-2317 to P-2389).
11. FM COOP—Contingency Contact List, FFIS & IPAS/ASAP, dated 7/14/03, with contact names, titles, Telephone numbers, and email addresses, (Plaintiff's Deposition Exhibit 9), (Bates-Stamped P-1365 to P-1368).
12. Memorandum from Rose McClyde, Director—Accounting Division, dated 11/8/2001, to all funds officers requesting new employee/vendor codes in the Foundation Financial Information System (FFIS), (Plaintiff's Deposition Exhibit 69), (Bates-Stamped P-1359 to P-1360).
13. Certification of funds availability by John G. Pedicini, 7/27/2003 to 8/9/2003, (Plaintiff's Deposition Exhibit 48), (Bates-Stamped P-517).
14. Certification by John G. Pedicini, dated 1/21/04, (Bates-Stamped P-1373).
15. Incorrect certification by Douglas MacAllister, dated 3/2/2005, (Plaintiff's Deposition Exhibit 50), (Bates-Stamped P-3362).
16. Incorrect certification by Michael Malone, signed by M. Hines, dated 6/7/2004, (Plaintiff's Deposition Exhibit 40), (Bates-Stamped P-3371).
17. Settlement Agreement dated 6/17/2002 between John G.

Pedicini and FNS, (Plaintiff's Deposition Exhibit 3), (Bates-Stamped P-1128 to P-1130).

18. Deposition title pages of Frances Zorn and Robert Canavan, used for purposes of establishing date and time Of depositions on 2/11/2003, (Bates-Stamped P-550 and P-216 respectively).
19. Chronology of IAS notes from Douglas MacAllister, dated 3/10/2003, (Bates-Stamped US0485).
20. Email from Joseph Stanco to Lisa Wilusz, dated 2/19/2003, Regarding IAS Rollout, (Bates-Stamped P-1159 to P-1160).
21. Email from John G. Pedicini to Joseph Stanco, dated 2/27/2003, regarding IAS rollout, (Bates-Stamped P-1158).
22. Email chain from Joseph Stanco to Brenda Komloske, dated 2/27/2003, with attached Users Template, (Bates-Stamped P-1162 to P-1165).
23. Email from Joseph Stanco to John G. Pedicini, dated 3/4/2003, regarding IAS Duties, (Bates-Stamped P-529).
24. Email chain from John G. Pedicini to Jonathan Lash, dated 3/4/2003, (Plaintiff's Deposition Exhibit 60), (Bates-Stamped P-530 to P-532).
25. Email from John G. Pedicini to John Ghiorzi, dated 3/4/2003, regarding settlement agreement,(Plaintiff's Deposition Exhibit 27), (Bates-Stamped P-1177).
26. Email from John G. Pedicini to John Ghiorzi, dated 3/10/2003, regarding reduction in duties and Settlement Agreement, (Plaintiff's Deposition Exhibit 28), (Bates-Stamped P-1626).
27. Email chain from John Ghiorzi to John G. Pedicini, dated 3/7/2003, (Bates-Stamped P-1181 and P-1645 to P-1646), (Plaintiff's Deposition Exhibit 15); Email chain from John G. Pedicini to John Ghiorzi, dated 3/10/2003, (Plaintiff's Deposition Exhibit 30), (Bates-Stamped P-523 to P-524).
28. Email chain from Jean Parker to John G. Pedicini, dated 5/19/03, regarding noncompliance complaint, (Bates-Stamped P-1898 to P-1899).

29. Formal Complaint of Discrimination by John G. Pedicini, FSA Case # MA-03-001E, dated 4/7/2003, (Bates-Stamped P-1894 to P-1895); Formal Complaint of Discrimination by John G. Pedicini, FSA Case # MA-03-001E, dated 3/25/ 2003, (Bates-Stamped P-288 to P-289).
30. Memorandum from Frances E. Zorn, dated June 16, 2003, "allegedly" delegating performance of certifications to Martin Hines, Joseph Stanco, and Douglas MacAllister (Plaintiff's Deposition Exhibit 7), (Bates-Stamped P-1960).
31. Memorandum from Michael Watts, FNS Civil Rights Director, to Carol A. Fields, Chief—Employment Compliance and Technical Assistance Division, dated 8/28/2003, regarding FNS Response to Noncompliance With A Settlement Agreement, (Bates-Stamped P-1292 to P-1293).
32. Affidavit of Douglas MacAllister, dated 9/8/2003, for EEO Investigator Report for ROI, (Bates-Stamped P-477 to P-481).
33. Email from Michael Malone to FM Unit, regarding new location, dated 3/2/2004, (Plaintiff's Deposition Exhibit 32), (Bates-Stamped P-3383).
34. USDA Final Determination Of An Allegation of Non-Compliance, dated May 19, 2004, (Plaintiff's Deposition Exhibit 31), (Bates-Stamped P-1282 to P-1287).
35. Email dated 6/3/2004 from John G. Pedicini to Douglas MacAllister and Michael Malone, regarding policy on right of certification of funds availability, (Plaintiff's Deposition Exhibit 24), (Bates-Stamped P-1393 to P-1394).
36. Email from Michael Malone to Douglas MacAllister, dated 6/7/2004, regarding certifying issues, (Plaintiff's Deposition Exhibit 39), (Bates-Stamped P-1487).
37. Memorandum from Frances E. Zorn, dated 6/9/2004, "allegedly" delegating performance of certifications to Martin Hines, Michael Malone, and Douglas MacAllister, (Plaintiff's Deposition Exhibit 8), (Bates-Stamped P-1989).
38. Letter from John G. Pedicini to Vernon B. Parker, Assistant Secretary of Civil Rights, dated June 10, 2004, regarding continued noncompliance, (Bates-Stamped P-2188 to P-2193, P-1356).

39. FNS Civil Rights Policy Directive # 2003-14, signed by Roberto Salazar, dated 7/2/2003, (Bates-Stamped P-536 to P-538).
40. Formal Complaint of Discrimination by John G. Pedicini, mailed on 7/15/2004, FSA Case # MA-04-005E, (Bates-Stamped P-2209 to P-2211 and P-2183). Designation of John G. Pedicini, as EEO Representative, by Kathy Tankersley, (Bates-Stamped P-1371).
41. Email from Michael Malone to Douglas MacAllister, dated August 6, 2004, regarding input on succession planning, (Bates-Stamped US0460).
42. Leave-Without-Pay Analysis prepared by John G. Pedicini from FY 2000 to FY 2003, (Bates-Stamped P-2022 to P-2031).
43. Agenda IT/IF Staff Meeting, dated 10/7/2004, (Plaintiff's Deposition Exhibit 17), (Bates-Stamped P-1322 to P-1323).
44. Email chain from John G. Pedicini to Roberto Salazar, dated 10/14/2004 to 10/18/2004, regarding telephone call from Salazar's and EEO activity under Frances Zorn, (Plaintiff's Deposition Exhibit 44), (Bates-Stamped P-1331 to P-1332).
45. Leave-Without-Pay Analysis prepared by John G. Pedicini, Dated 10/14/2004, (Bates-Stamped P-1880 and P-1881).
46. Memo from John G. Pedicini to Robert Canavan, dated 10/19/2004, regarding Leave-Without-Pay Analysis for FY 2004, (Plaintiff's Deposition Exhibit 22), (Bates-Stamped P-1781).
47. Certificate of Merit to John Pedicini, dated 10/3/2000, Signed by Frances E. Zorn, (Bates-Stamped P-2004). Narrative Statement attachment to Form AD-287, (Bates-Stamped US0225).
48. Memorandum from Michael Malone to John G. Pedicini, regarding inappropriate use of job title, dated 10/22/2004, (Plaintiff's Deposition Exhibit 21), (Bates-Stamped P-1327).
49. Email from John G. Pedicini to Michael Malone, dated 10/25/2004, regarding use of title, "Alternate Funds Officer" memo to Robert Canavan, (Plaintiff's Deposition Exhibit 23), (Bates-Stamped P-1789).
50. Memorandum from Michael Malone to Martin Hines, dated

10/22/2004, regarding Leave-Without-Pay Analysis, (Plaintiff's Deposition Exhibit 20), (Bates-Stamped P-1879).

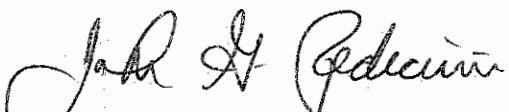
51. Formal Complaint of Discrimination by John G. Pedicini, FSA Case # MA-05-001E, dated November 15, 2004, (Bates-Stamped P-2185 to P-2186).
52. Revised Allocation Reports prepared by John G. Pedicini FY 2001 to FY 2003, (Bates-Stamped P-2009 to P-2011 and P-3389).
53. Email from Michael Malone to Mary Ellen Cajka, Linda App, and Rich Platt, dated 2/10/2005, regarding names for Local System Administrator—E-travel, (Plaintiff's Deposition Exhibit 86), (Bates-Stamped P-2972).
54. Email from Lisha Dorman to John G. Pedicini et al., dated 2/1/ 2005, regarding Employee Roster File, (Plaintiff's Deposition Exhibit 65), (Bates-Stamped P-3306 to P-3309).
55. Email from Lisha Dorman to John G. Pedicini et al., dated 2/2/2005, regarding E-travel, (Bates-Stamped P-3310).
56. NERO Approval Chain [E-travel] chart, (Plaintiff's Deposition Exhibit 62), (Bates-Stamped P-3303 to P-3305).
57. Email from John G. Pedicini to Lisha Dorman, dated 2/10/2005, regarding approval chains for NERO, with attachment, (Plaintiff's Deposition Exhibit 64), (Bates-Stamped P-3410 to P-3414).
58. Email chain from Michael Malone to John G. Pedicini, regarding Delegation Authority in Etravel, dated 3/15/ 2005, (Plaintiff's Deposition Exhibit 87), (Bates-Stamped P-2973 to P-2974).
59. Email chain from John G. Pedicini to Douglas MacAllister, dated 2/9/2005, regarding Official Title of Approvers, (Plaintiff's Deposition Exhibit 33), (Bates-Stamped P-3381 to P-3382).
60. Affidavit of Lisha Dorman, dated 11/2/2005, (Plaintiff's Deposition Exhibit 82), (Bates-Stamped P-2260 to P-2263).
61. Affidavit of Larry Blim, dated 11/2/2005, (Plaintiff's Deposition Exhibit 93), (Bates-Stamped P-3148 to P-3151).
62. Email chain dated 1/19/2006 from Jada Johnson to Marty Hines and John G. Pedicini with attachment entitled "NERO Final Report", (Bates-Stamped P-3399 to P-3409).

Documents or other exhibits that Plaintiff may offer if the need arises:

63. Email dated 1/28/2003 from John G. Pedicini to John Ghiorzi, regarding shared neutral position, (Bates-Stamped P-1136).
64. Memorandum from John Ghiorzi to John G. Pedicini, dated 2/10/2003, regarding updated status of Settlement Agreement, dated 6/17/2002, (Defendants' Deposition Exhibit 4), (Bates-Stamped P-1134 to P-1135).
65. Affidavit of Douglas MacAllister, dated 1/11/2005, (Plaintiff's Deposition Exhibit 47), (Bates-Stamped US0206 to US0207).
66. Memorandum, dated 1/28/1997, from Gary Maupin to Allowance Holders, regarding Funds Control Officer responsibilities, (Plaintiff's Deposition Exhibit 13), (Bates-Stamped P-1392).
67. USDA OIG AUDIT REPORT: FNS Security Over Information Technology Resources, Report No. 27099-18-Hy, September 2001, (Bates-Stamped P-2268 to P-2314).
68. FNS Handbook 702, FNS INFORMATION SYSTEMS SECURITY STANDARDS AND PROCEDURES HANDBOOK, June 2002, (Bates-Stamped P-2389 to P-2869).
69. Memorandum dated May 28, 2002 from Douglas MacAllister for the record, regarding FPA Certifying Officer, (Plaintiff's Deposition Exhibit 10), (Bates-Stamped US0015).
70. Individual Development Plan for John G. Pedicini, 6/1/2004 to 11/30/2004, (Bates-Stamped P-2256 to P-2257).
71. Memorandum dated 5/26/2000 from Jeff Knishkowy, regarding September 2000 Mediation Training Seminar (Bates-Stamped P-2007 to P-2008).
72. Formal Complaint of Discrimination by John G. Pedicini, dated 11/17/2000, (Bates-Stamped P-2002 to P-2006).

73. Civil Action Complaint in U.S. District Court, CA #01-11564DPW, by John G. Pedicini, (Bates-Stamped P-1114 to P-1127).
74. Documents or other exhibits referenced in Defendants' pretrial disclosures; and
75. Any document or exhibit that may be necessary to impeach or rebut Defendants' case-in-chief.

Respectfully submitted,

 8/2/07

John G. Pedicini, Plaintiff Pro Se
10 Milano Drive
Saugus, MA 01906
(781)248-1385

Certificate of Service

I hereby certify that a true copy of the above document was served upon the Defendants by U.S. Government email system to Gina Walcott-Torres, Assistant U.S. Attorney, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA 02210 on August 2, 2007.

 8/2/07
John G. Pedicini, Plaintiff Pro Se Date